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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2013	.	
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The Committee on Appropriations (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.—

(2) The circuit court has exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under this



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13 chapter. Jurisdiction attaches when the initial shelter
14 petition, dependency petition, or termination of parental rights
15 petition, or a petition for an injunction to prevent child abuse
16 issued pursuant to s. 39.504, is filed or when a child is taken
17 into the custody of the department. The circuit court may assume
18 jurisdiction over any such proceeding regardless of whether the
19 child was in the physical custody of both parents, was in the
20 sole legal or physical custody of only one parent, caregiver, or
21 some other person, or was not in the physical or legal custody
22 of any person when the event or condition occurred that brought
23 the child to the attention of the court. When the court obtains
24 jurisdiction of any child who has been found to be dependent,
25 the court shall retain jurisdiction, unless relinquished by its
26 order, until the child reaches 21 ~~18~~ years of age, with the
27 following exceptions:

28 (a) If a young adult chooses to leave foster care upon
29 reaching 18 years of age.

30 (b) If a young adult does not meet the eligibility
31 requirements to remain in foster care under s. 39.6251.

32 (c) ~~However,~~ If a young adult ~~youth~~ petitions the court at
33 any time before his or her 19th birthday requesting the court's
34 continued jurisdiction, the juvenile court may retain
35 jurisdiction under this chapter for a period not to exceed 1
36 year following the young adult's ~~youth's~~ 18th birthday for the
37 purpose of determining whether appropriate ~~aftercare support,~~
38 ~~Road-to-Independence Program, transitional support, mental~~
39 ~~health, and developmental disability services,~~ that were
40 required to be provided to the young adult before reaching 18
41 years of age, ~~to the extent otherwise authorized by law,~~ have



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42 been provided to the formerly dependent child who was in the
43 legal custody of the department immediately before his or her
44 18th birthday.

45 (d) If a petition for special immigrant juvenile status and
46 an application for adjustment of status have been filed on
47 behalf of a foster child and the petition and application have
48 not been granted by the time the child reaches 18 years of age,
49 the court may retain jurisdiction over the dependency case
50 solely for the purpose of allowing the continued consideration
51 of the petition and application by federal authorities. Review
52 hearings for the child shall be set solely for the purpose of
53 determining the status of the petition and application. The
54 court's jurisdiction terminates upon the final decision of the
55 federal authorities. Retention of jurisdiction in this instance
56 does not affect the services available to a young adult under s.
57 409.1451. The court may not retain jurisdiction of the case
58 after the immigrant child's 22nd birthday.

59 Section 2. Subsection (6) of section 39.6013, Florida
60 Statutes, is amended to read:

61 39.6013 Case plan amendments.—

62 (6) The case plan is deemed amended as to the child's
63 health, mental health, and education records required by s.
64 39.6012 when the child's updated health and education records
65 are filed by the department under s. 39.701(2)(a) ~~s.~~
66 ~~39.701(8)(a)~~.

67 Section 3. Section 39.6035, Florida Statutes, is created to
68 read:

69 39.6035 Transition plan.—

70 (1) During the 180-day period after a child reaches 17



71 years of age, the department and the community-based care
72 provider, in collaboration with the caregiver and any other
73 individual whom the child would like to include, shall assist
74 the child in developing a transition plan. The required
75 transition plan is in addition to standard case management
76 requirements. The transition plan must address specific options
77 for the child to use in obtaining services, including housing,
78 health insurance, education, and workforce support and
79 employment services. The plan must also consider establishing
80 and maintaining naturally occurring mentoring relationships and
81 other personal support services. The transition plan may be as
82 detailed as the child chooses. In developing the transition
83 plan, the department and the community-based provider shall:

84 (a) Provide the child with the documentation required
85 pursuant to s. 39.701(3); and

86 (b) Coordinate the transition plan with the independent
87 living provisions in the case plan and, for a child with
88 disabilities, the Individuals with Disabilities Education Act
89 transition plan.

90 (2) The department and the child shall schedule a time,
91 date, and place for a meeting to assist the child in drafting
92 the transition plan. The time, date, and place must be
93 convenient for the child and any individual whom the child would
94 like to include. This meeting shall be conducted in the child's
95 primary language.

96 (3) The transition plan shall be reviewed periodically with
97 the child, the department, and other individuals of the child's
98 choice and updated when necessary before each judicial review so
99 long as the child or young adult remains in care.



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100 (4) If a child is planning to leave care upon reaching 18
101 years of age, the transition plan must be approved by the court
102 before the child leaves care and the court terminates
103 jurisdiction.

104 Section 4. Section 39.6251, Florida Statutes, is created to
105 read:

106 39.6251 Continuing care for young adults.-

107 (1) As used in this section, the term "child" means an
108 individual who has not attained 21 years of age, and the term
109 "young adult" means an individual who has attained 18 years of
110 age but who has not attained 21 years of age.

111 (2) The primary goal for a child in care is permanency. A
112 child who is living in licensed care on his or her 18th birthday
113 and who has not achieved permanency under s. 39.621, is eligible
114 to remain in licensed care under the jurisdiction of the court
115 and in the care of the department. A child is eligible to remain
116 in licensed care if he or she is:

117 (a) Completing secondary education or a program leading to
118 an equivalent credential;

119 (b) Enrolled in an institution that provides postsecondary
120 or vocational education;

121 (c) Participating in a program or activity designed to
122 promote or eliminate barriers to employment;

123 (d) Employed for at least 80 hours per month; or

124 (e) Unable to participate in programs or activities listed
125 in (a)-(d) full time due to a physical, intellectual, emotional,
126 or psychiatric condition that limits participation. Any such
127 barrier to participation must be supported by documentation in
128 the child's case file or school or medical records of a



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129 physical, intellectual, or psychiatric condition that impairs
130 the child's ability to perform one or more life activities.

131 (3) The permanency goal for a young adult who chooses to
132 remain in care is transition from licensed care to independent
133 living.

134 (4) (a) The young adult must reside in a supervised living
135 environment that is approved by the department or a community-
136 based care lead agency. The young adult shall live
137 independently, but in an environment in which he or she is
138 provided supervision, case management, and supportive services
139 by the department or lead agency. Such an environment must offer
140 developmentally appropriate freedom and responsibility to
141 prepare the young adult for adulthood. For the purposes of this
142 subsection, a supervised living arrangement may include a
143 licensed foster home, licensed group home, college dormitory,
144 shared housing, apartment, or another housing arrangement if the
145 arrangement is approved by the community-based care lead agency
146 and is acceptable to the young adult, with first choice being a
147 licensed foster home. A young adult may continue to reside with
148 the same licensed foster family or group care provider with whom
149 he or she was residing at the time he or she reached the age of
150 18 years.

151 (b) Before approving the residential setting in which the
152 young adult will live, the department or community-based care
153 lead agency must ensure that:

154 1. The young adult will be provided with a level of
155 supervision consistent with his or her individual education,
156 health care needs, permanency plan, and independent living goals
157 as assessed by the department or lead agency with input from the



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158 young adult. Twenty-four hour on-site supervision is not
159 required, however, 24-hour crisis intervention and support must
160 be available.

161 2. The young adult will live in an independent living
162 environment that offers, at a minimum, life skills instruction,
163 counseling, educational support, employment preparation and
164 placement, and development of support networks. The
165 determination of the type and duration of services shall be
166 based on the young adult's assessed needs, interests, and input
167 and must be consistent with the goals set in the young adult's
168 case plan.

169 (5) Eligibility for a young adult to remain in extended
170 foster care ends on the earliest of the dates that the young
171 adult:

172 1. Reaches 21 years of age or, in the case of a young adult
173 with a disability, reaches 22 years of age;

174 2. Leaves care to live in a permanent home consistent with
175 his or her permanency plan; or

176 3. Knowingly and voluntarily withdraws his or her consent
177 to participate in extended care. Withdrawal of consent to
178 participate in extended care shall be verified by the court
179 pursuant to s. 39.701, unless the young adult refuses to
180 participate in any further court proceeding.

181 (6) A young adult who is between the ages of 18 and 21 and
182 who has left care may return to care by applying to the
183 community-based care lead agency for readmission. The community-
184 based care lead agency shall readmit the young adult if he or
185 she continues to meet the eligibility requirements in this
186 section.



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187 (a) The department shall develop a standard procedure and
188 application packet for readmission to care to be used by all
189 community-based care lead agencies.

190 (b) Within 30 days after the young adult has been
191 readmitted to care, the community-based care lead agency shall
192 assign a case manager to update the case plan and the transition
193 plan and to arrange for the required services. Such activities
194 shall be undertaken in consultation with the young adult. The
195 department shall petition the court to reinstate jurisdiction
196 over the young adult.

197 (7) During each period of time that a young adult is in
198 care, the community-based lead agency shall provide regular case
199 management reviews that must include at least monthly contact
200 with the case manager. If a young adult lives outside the
201 service area of his or her community-based care lead agency,
202 monthly contact may occur by telephone.

203 (8) During the time that a young adult is in care, the
204 court shall maintain jurisdiction to ensure that the department
205 and the lead agencies are providing services and coordinate
206 with, and maintain oversight of, other agencies involved in
207 implementing the young adult's case plan, individual education
208 plan, and transition plan. The court shall review the status of
209 the young adult at least every 6 months and hold a permanency
210 review hearing at least annually. The court may appoint a
211 guardian ad litem or continue the appointment of a guardian ad
212 litem with the young adult's consent. The young adult or any
213 other party to the dependency case may request an additional
214 hearing or review.

215 (9) The department shall establish a procedure by which a



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216 young adult may appeal a determination of eligibility to remain
217 in care that was made by a community-based care lead agency. The
218 procedure must be readily accessible to young adults, must
219 provide for timely decisions, and must provide for an appeal to
220 the department. The decision of the department constitutes final
221 agency action and is reviewable by the court as provided in s.
222 120.68.

223 Section 5. Section 39.701, Florida Statutes, is amended to
224 read:

225 39.701 Judicial review.—

226 (1) GENERAL PROVISIONS.—

227 (a) The court shall have continuing jurisdiction in
228 accordance with this section and shall review the status of the
229 child at least every 6 months as required by this subsection or
230 more frequently if the court deems it necessary or desirable.

231 (b) The court shall retain jurisdiction over a child
232 returned to his or her parents for a minimum period of 6 months
233 following the reunification, but, at that time, based on a
234 report of the social service agency and the guardian ad litem,
235 if one has been appointed, and any other relevant factors, the
236 court shall make a determination as to whether supervision by
237 the department and the court's jurisdiction shall continue or be
238 terminated.

239 (c) 1. ~~(2) (a)~~ The court shall review the status of the child
240 and shall hold a hearing as provided in this part at least every
241 6 months until the child reaches permanency status. The court
242 may dispense with the attendance of the child at the hearing,
243 but may not dispense with the hearing or the presence of other
244 parties to the review unless before the review a hearing is held



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245 before a citizen review panel.

246 ~~2.(b)~~ Citizen review panels may conduct hearings to review
247 the status of a child. The court shall select the cases
248 appropriate for referral to the citizen review panels and may
249 order the attendance of the parties at the review panel
250 hearings. However, any party may object to the referral of a
251 case to a citizen review panel. Whenever such an objection has
252 been filed with the court, the court shall review the substance
253 of the objection and may conduct the review itself or refer the
254 review to a citizen review panel. All parties retain the right
255 to take exception to the findings or recommended orders of a
256 citizen review panel in accordance with Rule 1.490(h), Florida
257 Rules of Civil Procedure.

258 ~~3.(e)~~ Notice of a hearing by a citizen review panel must be
259 provided as set forth in paragraph (f) ~~subsection (5)~~. At the
260 conclusion of a citizen review panel hearing, each party may
261 propose a recommended order to the chairperson of the panel.
262 Thereafter, the citizen review panel shall submit its report,
263 copies of the proposed recommended orders, and a copy of the
264 panel's recommended order to the court. The citizen review
265 panel's recommended order must be limited to the dispositional
266 options available to the court in paragraph (2)(d) ~~subsection~~
267 ~~(10)~~. Each party may file exceptions to the report and
268 recommended order of the citizen review panel in accordance with
269 Rule 1.490, Florida Rules of Civil Procedure.

270 (d)1.(3)(a) ~~(a)~~ The initial judicial review hearing must be
271 held no later than 90 days after the date of the disposition
272 hearing or after the date of the hearing at which the court
273 approves the case plan, whichever comes first, but in no event



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274 shall the review be held later than 6 months after the date the
275 child was removed from the home. Citizen review panels may ~~shall~~
276 not conduct more than two consecutive reviews without the child
277 and the parties coming before the court for a judicial review.

278 2. ~~(b)~~ If the citizen review panel recommends extending the
279 goal of reunification for any case plan beyond 12 months from
280 the date the child was removed from the home, the case plan was
281 adopted, or the child was adjudicated dependent, whichever date
282 came first, the court must schedule a judicial review hearing to
283 be conducted by the court within 30 days after receiving the
284 recommendation from the citizen review panel.

285 3. ~~(e)~~ If the child is placed in the custody of the
286 department or a licensed child-placing agency for the purpose of
287 adoptive placement, judicial reviews must be held at least every
288 6 months until the adoption is finalized.

289 4. ~~(d)~~ If the department and the court have established a
290 formal agreement that includes specific authorization for
291 particular cases, the department may conduct administrative
292 reviews instead of the judicial reviews for children in out-of-
293 home care. Notices of such administrative reviews must be
294 provided to all parties. However, an administrative review may
295 not be substituted for the first judicial review, and in every
296 case the court must conduct a judicial review at least every 6
297 months. Any party dissatisfied with the results of an
298 administrative review may petition for a judicial review.

299 5. ~~(e)~~ The clerk of the circuit court shall schedule
300 judicial review hearings in order to comply with the mandated
301 times cited in this section.

302 6. ~~(f)~~ In each case in which a child has been voluntarily



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303 placed with the licensed child-placing agency, the agency shall
304 notify the clerk of the court in the circuit where the child
305 resides of such placement within 5 working days. Notification of
306 the court is not required for any child who will be in out-of-
307 home care no longer than 30 days unless that child is placed in
308 out-of-home care a second time within a 12-month period. If the
309 child is returned to the custody of the parents before the
310 scheduled review hearing or if the child is placed for adoption,
311 the child-placing agency shall notify the court of the child's
312 return or placement within 5 working days, and the clerk of the
313 court shall cancel the review hearing.

314 (e)~~(4)~~ The court shall schedule the date, time, and
315 location of the next judicial review during the judicial review
316 hearing and shall list same in the judicial review order.

317 (f)~~(5)~~ Notice of a judicial review hearing or a citizen
318 review panel hearing, and a copy of the motion for judicial
319 review, if any, must be served by the clerk of the court upon
320 all of the following persons, if available to be served,
321 regardless of whether the person was present at the previous
322 hearing at which the date, time, and location of the hearing was
323 announced:

324 1.~~(a)~~ The social service agency charged with the
325 supervision of care, custody, or guardianship of the child, if
326 that agency is not the movant.

327 2.~~(b)~~ The foster parent or legal custodian in whose home
328 the child resides.

329 3.~~(c)~~ The parents.

330 4.~~(d)~~ The guardian ad litem for the child, or the
331 representative of the guardian ad litem program if the program



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332 has been appointed.

333 ~~5.(e)~~ The attorney for the child.

334 ~~6.(f)~~ The child, if the child is 13 years of age or older.

335 ~~7.(g)~~ Any preadoptive parent.

336 ~~8.(h)~~ Such other persons as the court may direct.

337 ~~(g)(6)~~ The attorney for the department shall notify a
338 relative who submits a request for notification of all
339 proceedings and hearings pursuant to s. 39.301(14) (b). The
340 notice shall include the date, time, and location of the next
341 judicial review hearing.

342 ~~(7)(a)~~ In addition to paragraphs (1)(a) and (2)(a), the
343 court shall hold a judicial review hearing within 90 days after
344 a youth's 17th birthday. The court shall also issue an order,
345 separate from the order on judicial review, that the disability
346 of nonage of the youth has been removed pursuant to s. 743.045.
347 The court shall continue to hold timely judicial review hearings
348 thereafter. In addition, the court may review the status of the
349 child more frequently during the year prior to the youth's 18th
350 birthday if necessary. At each review held under this
351 subsection, in addition to any information or report provided to
352 the court, the foster parent, legal custodian, guardian ad
353 litem, and the child shall be given the opportunity to address
354 the court with any information relevant to the child's best
355 interests, particularly as it relates to independent living
356 transition services. In addition to any information or report
357 provided to the court, the department shall include in its
358 judicial review social study report written verification that
359 the child:

360 ~~1. Has been provided with a current Medicaid card and has~~



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361 ~~been provided all necessary information concerning the Medicaid~~
362 ~~program sufficient to prepare the youth to apply for coverage~~
363 ~~upon reaching age 18, if such application would be appropriate.~~

364 ~~2. Has been provided with a certified copy of his or her~~
365 ~~birth certificate and, if the child does not have a valid~~
366 ~~driver's license, a Florida identification card issued under s.~~
367 ~~322.051.~~

368 ~~3. Has been provided information relating to Social~~
369 ~~Security Insurance benefits if the child is eligible for these~~
370 ~~benefits. If the child has received these benefits and they are~~
371 ~~being held in trust for the child, a full accounting of those~~
372 ~~funds must be provided and the child must be informed about how~~
373 ~~to access those funds.~~

374 ~~4. Has been provided with information and training related~~
375 ~~to budgeting skills, interviewing skills, and parenting skills.~~

376 ~~5. Has been provided with all relevant information related~~
377 ~~to the Road-to-Independence Program, including, but not limited~~
378 ~~to, eligibility requirements, forms necessary to apply, and~~
379 ~~assistance in completing the forms. The child shall also be~~
380 ~~informed that, if he or she is eligible for the Road-to-~~
381 ~~Independence Program, he or she may reside with the licensed~~
382 ~~foster family or group care provider with whom the child was~~
383 ~~residing at the time of attaining his or her 18th birthday or~~
384 ~~may reside in another licensed foster home or with a group care~~
385 ~~provider arranged by the department.~~

386 ~~6. Has an open bank account, or has identification~~
387 ~~necessary to open an account, and has been provided with~~
388 ~~essential banking skills.~~

389 ~~7. Has been provided with information on public assistance~~



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390 and how to apply.

391 ~~8. Has been provided a clear understanding of where he or~~
392 ~~she will be living on his or her 18th birthday, how living~~
393 ~~expenses will be paid, and what educational program or school he~~
394 ~~or she will be enrolled in.~~

395 ~~9. Has been provided with notice of the youth's right to~~
396 ~~petition for the court's continuing jurisdiction for 1 year~~
397 ~~after the youth's 18th birthday as specified in s. 39.013(2) and~~
398 ~~with information on how to obtain access to the court.~~

399 ~~10. Has been encouraged to attend all judicial review~~
400 ~~hearings occurring after his or her 17th birthday.~~

401 ~~(b) At the first judicial review hearing held subsequent to~~
402 ~~the child's 17th birthday, in addition to the requirements of~~
403 ~~subsection (8), the department shall provide the court with an~~
404 ~~updated case plan that includes specific information related to~~
405 ~~independent living services that have been provided since the~~
406 ~~child's 13th birthday, or since the date the child came into~~
407 ~~foster care, whichever came later.~~

408 ~~(c) At the time of a judicial review hearing held pursuant~~
409 ~~to this subsection, if, in the opinion of the court, the~~
410 ~~department has not complied with its obligations as specified in~~
411 ~~the written case plan or in the provision of independent living~~
412 ~~services as required by s. 409.1451 and this subsection, the~~
413 ~~court shall issue a show cause order. If cause is shown for~~
414 ~~failure to comply, the court shall give the department 30 days~~
415 ~~within which to comply and, on failure to comply with this or~~
416 ~~any subsequent order, the department may be held in contempt.~~

417 ~~(2)(8) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS~~
418 ~~OF AGE.~~



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419 (a) Social study report for judicial review.—Before every
420 judicial review hearing or citizen review panel hearing, the
421 social service agency shall make an investigation and social
422 study concerning all pertinent details relating to the child and
423 shall furnish to the court or citizen review panel a written
424 report that includes, but is not limited to:

425 1. A description of the type of placement the child is in
426 at the time of the hearing, including the safety of the child
427 and the continuing necessity for and appropriateness of the
428 placement.

429 2. Documentation of the diligent efforts made by all
430 parties to the case plan to comply with each applicable
431 provision of the plan.

432 3. The amount of fees assessed and collected during the
433 period of time being reported.

434 4. The services provided to the foster family or legal
435 custodian in an effort to address the needs of the child as
436 indicated in the case plan.

437 5. A statement that either:

438 a. The parent, though able to do so, did not comply
439 substantially with the case plan, and the agency
440 recommendations;

441 b. The parent did substantially comply with the case plan;
442 or

443 c. The parent has partially complied with the case plan,
444 with a summary of additional progress needed and the agency
445 recommendations.

446 6. A statement from the foster parent or legal custodian
447 providing any material evidence concerning the return of the



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448 child to the parent or parents.

449 7. A statement concerning the frequency, duration, and
450 results of the parent-child visitation, if any, and the agency
451 recommendations for an expansion or restriction of future
452 visitation.

453 8. The number of times a child has been removed from his or
454 her home and placed elsewhere, the number and types of
455 placements that have occurred, and the reason for the changes in
456 placement.

457 9. The number of times a child's educational placement has
458 been changed, the number and types of educational placements
459 which have occurred, and the reason for any change in placement.

460 10. If the child has reached 13 years of age but is not yet
461 18 years of age, a statement from the caregiver on the progress
462 the child has made in acquiring independent living skills ~~the~~
463 ~~results of the preindependent living, life skills, or~~
464 ~~independent living assessment; the specific services needed; and~~
465 ~~the status of the delivery of the identified services.~~

466 11. Copies of all medical, psychological, and educational
467 records that support the terms of the case plan and that have
468 been produced concerning the parents or any caregiver since the
469 last judicial review hearing.

470 12. Copies of the child's current health, mental health,
471 and education records as identified in s. 39.6012.

472 (b) Submission and distribution of reports.—

473 1. A copy of the social service agency's written report and
474 the written report of the guardian ad litem must be served on
475 all parties whose whereabouts are known; to the foster parents
476 or legal custodians; and to the citizen review panel, at least



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477 72 hours before the judicial review hearing or citizen review
478 panel hearing. The requirement for providing parents with a copy
479 of the written report does not apply to those parents who have
480 voluntarily surrendered their child for adoption or who have had
481 their parental rights to the child terminated.

482 2.~~(e)~~ In a case in which the child has been permanently
483 placed with the social service agency, the agency shall furnish
484 to the court a written report concerning the progress being made
485 to place the child for adoption. If the child cannot be placed
486 for adoption, a report on the progress made by the child towards
487 alternative permanency goals or placements, including, but not
488 limited to, guardianship, long-term custody, long-term licensed
489 custody, or independent living, must be submitted to the court.
490 The report must be submitted to the court at least 72 hours
491 before each scheduled judicial review.

492 3.~~(d)~~ In addition to or in lieu of any written statement
493 provided to the court, the foster parent or legal custodian, or
494 any preadoptive parent, shall be given the opportunity to
495 address the court with any information relevant to the best
496 interests of the child at any judicial review hearing.

497 (c)~~(9)~~ Review determinations.—The court and any citizen
498 review panel shall take into consideration the information
499 contained in the social services study and investigation and all
500 medical, psychological, and educational records that support the
501 terms of the case plan; testimony by the social services agency,
502 the parent, the foster parent or legal custodian, the guardian
503 ad litem or surrogate parent for educational decisionmaking if
504 one has been appointed for the child, and any other person
505 deemed appropriate; and any relevant and material evidence



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506 submitted to the court, including written and oral reports to
507 the extent of their probative value. These reports and evidence
508 may be received by the court in its effort to determine the
509 action to be taken with regard to the child and may be relied
510 upon to the extent of their probative value, even though not
511 competent in an adjudicatory hearing. In its deliberations, the
512 court and any citizen review panel shall seek to determine:

513 1.~~(a)~~ If the parent was advised of the right to receive
514 assistance from any person or social service agency in the
515 preparation of the case plan.

516 2.~~(b)~~ If the parent has been advised of the right to have
517 counsel present at the judicial review or citizen review
518 hearings. If not so advised, the court or citizen review panel
519 shall advise the parent of such right.

520 3.~~(c)~~ If a guardian ad litem needs to be appointed for the
521 child in a case in which a guardian ad litem has not previously
522 been appointed or if there is a need to continue a guardian ad
523 litem in a case in which a guardian ad litem has been appointed.

524 4.~~(d)~~ Who holds the rights to make educational decisions
525 for the child. If appropriate, the court may refer the child to
526 the district school superintendent for appointment of a
527 surrogate parent or may itself appoint a surrogate parent under
528 the Individuals with Disabilities Education Act and s. 39.0016.

529 5.~~(e)~~ The compliance or lack of compliance of all parties
530 with applicable items of the case plan, including the parents'
531 compliance with child support orders.

532 6.~~(f)~~ The compliance or lack of compliance with a
533 visitation contract between the parent and the social service
534 agency for contact with the child, including the frequency,



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535 duration, and results of the parent-child visitation and the
536 reason for any noncompliance.

537 ~~7.(g)~~ The compliance or lack of compliance of the parent in
538 meeting specified financial obligations pertaining to the care
539 of the child, including the reason for failure to comply if such
540 is the case.

541 ~~8.(h)~~ Whether the child is receiving safe and proper care
542 according to s. 39.6012, including, but not limited to, the
543 appropriateness of the child's current placement, including
544 whether the child is in a setting that is as family-like and as
545 close to the parent's home as possible, consistent with the
546 child's best interests and special needs, and including
547 maintaining stability in the child's educational placement, as
548 documented by assurances from the community-based care provider
549 that:

550 ~~a.1.~~ The placement of the child takes into account the
551 appropriateness of the current educational setting and the
552 proximity to the school in which the child is enrolled at the
553 time of placement.

554 ~~b.2.~~ The community-based care agency has coordinated with
555 appropriate local educational agencies to ensure that the child
556 remains in the school in which the child is enrolled at the time
557 of placement.

558 ~~9.(i)~~ A projected date likely for the child's return home
559 or other permanent placement.

560 ~~10.(j)~~ When appropriate, the basis for the unwillingness or
561 inability of the parent to become a party to a case plan. The
562 court and the citizen review panel shall determine if the
563 efforts of the social service agency to secure party



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564 participation in a case plan were sufficient.

565 11.~~(*)~~ For a child who has reached 13 years of age but is
566 not yet 18 years of age, the adequacy of the child's preparation
567 for adulthood and independent living.

568 12.~~(1)~~ If amendments to the case plan are required.

569 Amendments to the case plan must be made under s. 39.6013.

570 (d)~~(10)~~~~(a)~~ Orders.-

571 1. Based upon the criteria set forth in paragraph (c)
572 ~~subsection (9)~~ and the recommended order of the citizen review
573 panel, if any, the court shall determine whether or not the
574 social service agency shall initiate proceedings to have a child
575 declared a dependent child, return the child to the parent,
576 continue the child in out-of-home care for a specified period of
577 time, or initiate termination of parental rights proceedings for
578 subsequent placement in an adoptive home. Amendments to the case
579 plan must be prepared as prescribed in s. 39.6013. If the court
580 finds that the prevention or reunification efforts of the
581 department will allow the child to remain safely at home or be
582 safely returned to the home, the court shall allow the child to
583 remain in or return to the home after making a specific finding
584 of fact that the reasons for the creation of the case plan have
585 been remedied to the extent that the child's safety, well-being,
586 and physical, mental, and emotional health will not be
587 endangered.

588 2.~~(b)~~ The court shall return the child to the custody of
589 the parents at any time it determines that they have
590 substantially complied with the case plan, if the court is
591 satisfied that reunification will not be detrimental to the
592 child's safety, well-being, and physical, mental, and emotional



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593 health.

594 3.~~(e)~~ If, in the opinion of the court, the social service
595 agency has not complied with its obligations as specified in the
596 written case plan, the court may find the social service agency
597 in contempt, shall order the social service agency to submit its
598 plans for compliance with the agreement, and shall require the
599 social service agency to show why the child could not safely be
600 returned to the home of the parents.

601 4.~~(d)~~ If, at any judicial review, the court finds that the
602 parents have failed to substantially comply with the case plan
603 to the degree that further reunification efforts are without
604 merit and not in the best interest of the child, on its own
605 motion, the court may order the filing of a petition for
606 termination of parental rights, whether or not the time period
607 as contained in the case plan for substantial compliance has
608 expired.

609 5.~~(e)~~ Within 6 months after the date that the child was
610 placed in shelter care, the court shall conduct a judicial
611 review hearing to review the child's permanency goal as
612 identified in the case plan. At the hearing the court shall make
613 findings regarding the likelihood of the child's reunification
614 with the parent or legal custodian within 12 months after the
615 removal of the child from the home. If the court makes a written
616 finding that it is not likely that the child will be reunified
617 with the parent or legal custodian within 12 months after the
618 child was removed from the home, the department must file with
619 the court, and serve on all parties, a motion to amend the case
620 plan under s. 39.6013 and declare that it will use concurrent
621 planning for the case plan. The department must file the motion



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622 within 10 business days after receiving the written finding of
623 the court. The department must attach the proposed amended case
624 plan to the motion. If concurrent planning is already being
625 used, the case plan must document the efforts the department is
626 taking to complete the concurrent goal.

627 6.-(f) The court may issue a protective order in assistance,
628 or as a condition, of any other order made under this part. In
629 addition to the requirements included in the case plan, the
630 protective order may set forth requirements relating to
631 reasonable conditions of behavior to be observed for a specified
632 period of time by a person or agency who is before the court;
633 and the order may require any person or agency to make periodic
634 reports to the court containing such information as the court in
635 its discretion may prescribe.

636 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.-

637 (a) In addition to the review and report required under
638 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
639 a judicial review hearing within 90 days after a child's 17th
640 birthday. The court shall also issue an order, separate from the
641 order on judicial review, that the disability of nonage of the
642 child has been removed pursuant to s. 743.045 and shall continue
643 to hold timely judicial review hearings. If necessary, the court
644 may review the status of the child more frequently during the
645 year before the child's 18th birthday. At each review hearing
646 held under this subsection, in addition to any information or
647 report provided to the court by the foster parent, legal
648 custodian, or guardian ad litem, the child shall be given the
649 opportunity to address the court with any information relevant
650 to the child's best interest, particularly in relation to



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651 independent living transition services. The department shall
652 include in the social study report for judicial review written
653 verification that the child has:

654 1. A current Medicaid card and all necessary information
655 concerning the Medicaid program sufficient to prepare the child
656 to apply for coverage upon reaching the age of 18, if such
657 application is appropriate.

658 2. A certified copy of the child's birth certificate and,
659 if the child does not have a valid driver license, a Florida
660 identification card issued under s. 322.051.

661 3. A social security card and information relating to
662 social security insurance benefits if the child is eligible for
663 those benefits. If the child has received such benefits and they
664 are being held in trust for the child, a full accounting of
665 these funds must be provided and the child must be informed as
666 to how to access those funds.

667 4. All relevant information related to the Road-to-
668 Independence Program, including, but not limited to, eligibility
669 requirements, information on participation, and assistance in
670 gaining admission to the program. If the child is eligible for
671 the Road-to-Independence Program, he or she must be advised that
672 he or she may continue to reside with the licensed family home
673 or group care provider with whom the child was residing at the
674 time the child attained his or her 18th birthday, in another
675 licensed family home, or with a group care provider arranged by
676 the department.

677 5. An open bank account or the identification necessary to
678 open a bank account and to acquire essential banking and
679 budgeting skills.



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- 680 6. Information on public assistance and how to apply for
681 public assistance.
- 682 7. A clear understanding of where he or she will be living
683 on his or her 18th birthday, how living expenses will be paid,
684 and the educational program or school in which he or she will be
685 enrolled.
- 686 8. Information related to the ability of the child to
687 remain in care until he or she reaches 21 years of age under s.
688 39.013.
- 689 9. A letter providing the dates that the child is under the
690 jurisdiction of the court.
- 691 10. A letter stating that the child is in compliance with
692 financial aid documentation requirements.
- 693 11. The child's educational records.
- 694 12. The child's entire health and mental health records.
- 695 13. The process for accessing his or her case file.
- 696 14. A statement encouraging the child to attend all
697 judicial review hearings occurring after the child's 17th
698 birthday.
- 699 (b) At the first judicial review hearing held subsequent to
700 the child's 17th birthday, the department shall provide the
701 court with an updated case plan that includes specific
702 information related to the independent living skills that the
703 child has acquired since the child's 13th birthday, or since the
704 date the child came into foster care, whichever came later.
- 705 (c) If the court finds at the judicial review hearing that
706 the department has not met with its obligations to the child as
707 stated in the written case plan or in the provision of
708 independent living services, the court may issue an order



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709 directing the department to show cause as to why it has not done
710 so. If the department cannot justify its noncompliance, the
711 court may give the department 30 days within which to comply. If
712 the department fails to comply within 30 days, the court may
713 hold the department in contempt.

714 (d) At the last review hearing before the child reaches 18
715 years of age, and in addition to the requirements of subsection
716 (2), the court shall:

717 1. Address whether the child plans to remain in foster
718 care, and, if so, ensure that the child's transition plan
719 includes a plan for meeting one or more of the criteria
720 specified in s. 39.6251.

721 2. Ensure that the transition plan includes a supervised
722 living arrangement under s. 39.6251.

723 3. Ensure the child has been informed of:

724 a. The right to continued support and services from the
725 department and the community-based care lead agency.

726 b. The right to request termination of dependency
727 jurisdiction and be discharged from foster care.

728 c. The opportunity to reenter foster care pursuant to s.
729 39.6251.

730 4. Ensure that the young adult, if he or she requests
731 termination of dependency jurisdiction and discharge from foster
732 care, has been informed of:

733 a. Services or benefits for which the young adult may be
734 eligible based on his or her former placement in foster care;

735 b. Services or benefits that may be lost through
736 termination of dependency jurisdiction; and

737 c. Other federal, state, local, or community-based services



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738 or supports available to the him or her.

739 (4) REVIEW HEARINGS FOR YOUNG ADULTS IN FOSTER CARE.—

740 During each period of time that a young adult remains in foster
741 care, the court shall review the status of the young adult at
742 least every 6 months and must hold a permanency review hearing
743 at least annually.

744 (a) The department and community-based care lead agency
745 shall prepare and submit to the court a report, developed in
746 collaboration with the young adult, which addresses the young
747 adult's progress in meeting the goals in the case plan. The
748 report must include progress information related to the young
749 adult's independent living plan and transition plan, if
750 applicable, and shall propose modifications as necessary to
751 further the young adult's goals.

752 (b) The court shall attempt to determine whether the
753 department and any service provider under contract with the
754 department are providing the appropriate services as provided in
755 the case plan.

756 (c) If the court believes that the young adult is entitled
757 under department policy or under a contract with a service
758 provider to additional services to achieve the goals enumerated
759 in the case plan, it may order the department to take action to
760 ensure that the young adult receives the identified services.

761 (d) The young adult or any other party to the dependency
762 case may request an additional hearing or judicial review.

763 (e) Notwithstanding the provisions of this subsection, if a
764 young adult has chosen to remain in extended foster care after
765 he or she has reached 18 years of age, the department may not
766 close a case and the court may not terminate jurisdiction until



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767 the court finds, following a hearing, that the following
768 criteria have been met:

769 1. Attendance of the young adult at the hearing; or
770 2. Findings by the court that:

771 a. The young adult has been informed by the department of
772 his or her right to attend the hearing and has provided written
773 consent to waive this right; and

774 b. The young adult has been informed of the potential
775 negative effects of early termination of care, the option to
776 reenter care before reaching 21 years of age, the procedure for,
777 and limitations on, reentering care, and the availability of
778 alternative services, and has signed a document attesting that
779 he or she has been so informed and understands these provisions;
780 or

781 c. The young adult has voluntarily left the program, has
782 not signed the document in sub-subparagraph b., and is unwilling
783 to participate in any further court proceeding.

784 3. In all permanency hearings or hearings regarding the
785 transition of the young adult from care to independent living,
786 the court shall consult with the young adult regarding the
787 proposed permanency plan, case plan, and individual education
788 plan for the young adult and ensure that he or she has
789 understood the conversation.

790 Section 6. Section 409.145, Florida Statutes, is amended to
791 read:

792 409.145 Care of children; quality parenting; "reasonable
793 and prudent parent" standard.—The child welfare system of the
794 department shall operate as a coordinated community-based system
795 of care which empowers all caregivers for children in foster



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796 care to provide quality parenting, including approving or
797 disapproving a child's participation in activities based on the
798 caregiver's assessment using the "reasonable and prudent parent"
799 standard.

800 (1) SYSTEM OF CARE.—The department shall develop, implement
801 ~~conduct, supervise,~~ and administer a coordinated community-based
802 system of care program for dependent children who are found to
803 be dependent and their families. This system of care must ~~The~~
804 ~~services of the department are to~~ be directed toward the
805 following goals:

806 (a) ~~The~~ Prevention of separation of children from their
807 families.

808 (b) Intervention to allow children to remain safely in
809 their own homes.

810 (c) ~~(b) The~~ Reunification of families who have had children
811 removed from their care placed in foster homes or institutions.

812 (d) Safety for children who are separated from their
813 families by providing alternative emergency or longer-term
814 parenting arrangements.

815 (e) Focus on the well-being of children through emphasis on
816 maintaining educational stability and providing timely health
817 care.

818 (f) ~~(e) Permanency for~~ The permanent placement of children
819 for whom reunification who cannot be reunited with their
820 families is not possible or ~~when reunification would~~ is not be
821 in the best interest of the child.

822 ~~(d) The protection of dependent children or children~~
823 ~~alleged to be dependent, including provision of emergency and~~
824 ~~long-term alternate living arrangements.~~



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825 ~~(g)(e) The transition to independence and self-sufficiency~~
826 ~~for older children who remain in foster care through adolescence~~
827 ~~continue to be in foster care as adolescents.~~

828 ~~(2) The following dependent children shall be subject to~~
829 ~~the protection, care, guidance, and supervision of the~~
830 ~~department or any duly licensed public or private agency:~~

831 ~~(a) Any child who has been temporarily or permanently taken~~
832 ~~from the custody of the parents, custodians, or guardians in~~
833 ~~accordance with those provisions in chapter 39 that relate to~~
834 ~~dependent children.~~

835 ~~(b) Any child who is in need of the protective supervision~~
836 ~~of the department as determined by intake or by the court in~~
837 ~~accordance with those provisions of chapter 39 that relate to~~
838 ~~dependent children.~~

839 ~~(c) Any child who is voluntarily placed, with the written~~
840 ~~consent of the parents or guardians, in the department's foster~~
841 ~~care program or the foster care program of a licensed private~~
842 ~~agency.~~

843 ~~(3) The circuit courts exercising juvenile jurisdiction in~~
844 ~~the various counties of this state shall cooperate with the~~
845 ~~department and its employees in carrying out the purposes and~~
846 ~~intent of this chapter.~~

847 ~~(4) The department is authorized to accept children on a~~
848 ~~permanent placement basis by order of a court of competent~~
849 ~~jurisdiction for the single purpose of adoption placement of~~
850 ~~these children. The department is authorized to provide the~~
851 ~~necessary services to place these children ordered to the~~
852 ~~department on a permanent placement basis for adoption.~~

853 ~~(5) Any funds appropriated by counties for child welfare~~



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854 ~~services may be matched by state and federal funds, such funds~~
855 ~~to be utilized by the department for the benefit of children in~~
856 ~~those counties.~~

857 ~~(6) Whenever any child is placed under the protection,~~
858 ~~care, and guidance of the department or a duly licensed public~~
859 ~~or private agency, or as soon thereafter as is practicable, the~~
860 ~~department or agency, as the case may be, shall endeavor to~~
861 ~~obtain such information concerning the family medical history of~~
862 ~~the child and the natural parents as is available or readily~~
863 ~~obtainable. This information shall be kept on file by the~~
864 ~~department or agency for possible future use as provided in ss.~~
865 ~~63.082 and 63.162 or as may be otherwise provided by law.~~

866 ~~(7) Whenever any child is placed by the department in a~~
867 ~~shelter home, foster home, or other residential placement, the~~
868 ~~department shall make available to the operator of the shelter~~
869 ~~home, foster home, other residential placement, or other~~
870 ~~caretaker as soon thereafter as is practicable, all relevant~~
871 ~~information concerning the child's demographic, social, and~~
872 ~~medical history.~~

873 (2) QUALITY PARENTING.—A child in foster care shall be
874 placed only with a caregiver who has the ability to care for the
875 child, is willing to accept responsibility for providing care,
876 and is willing and able to learn about and be respectful of the
877 child's culture, religion and ethnicity, special physical or
878 psychological needs, any circumstances unique to the child, and
879 family relationships. The department, the community-based care
880 lead agency, and other agencies shall provide such caregiver
881 with all available information necessary to assist the caregiver
882 in determining whether he or she is able to appropriately care



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883 for a particular child.

884 (a) Roles and responsibilities of caregivers.—A caregiver
885 shall:

886 1. Participate in developing the case plan for the child
887 and his or her family and work with others involved in his or
888 her care to implement this plan. This participation includes the
889 caregiver's involvement in all team meetings or court hearings
890 related to the child's care.

891 2. Complete all training needed to improve skills in
892 parenting a child who has experienced trauma due to neglect,
893 abuse, or separation from home, to meet the child's special
894 needs, and to work effectively with child welfare agencies, the
895 court, the schools, and other community and governmental
896 agencies.

897 3. Respect and support the child's ties to members of his
898 or her biological family and assist the child in maintaining
899 allowable visitation and other forms of communication.

900 4. Effectively advocate for the child in the caregiver's
901 care with the child welfare system, the court, and community
902 agencies, including the school, child care, health and mental
903 health providers, and employers.

904 5. Participate fully in the child's medical, psychological,
905 and dental care as the caregiver would for his or her biological
906 child.

907 6. Support the child's school success by participating in
908 school activities and meetings, including Individual Education
909 Plan meetings, assisting with school assignments, supporting
910 tutoring programs, meeting with teachers and working with an
911 educational surrogate if one has been appointed, and encouraging



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912 the child's participation in extracurricular activities.

913 7. Work in partnership with other stakeholders to obtain
914 and maintain records that are important to the child's well-
915 being, including child resource records, medical records, school
916 records, photographs, and records of special events and
917 achievements.

918 8. Ensure that the child in the caregiver's care who is
919 between 13 and 17 years of age learns and masters independent
920 living skills.

921 9. Ensure that the child in the caregiver's care is aware
922 of the requirements and benefits of the Road-to-Independence
923 Program.

924 10. Work to enable the child in the caregiver's care to
925 establish and maintain naturally occurring mentoring
926 relationships.

927 (b) Roles and responsibilities of the department, the
928 community-based care lead agency, and other agency staff.-The
929 department, the community-based care lead agency, and other
930 agency staff shall:

931 1. Include a caregiver in the development and
932 implementation of the case plan for the child and his or her
933 family. The caregiver shall be authorized to participate in all
934 team meetings or court hearings related to the child's care and
935 future plans. The caregiver's participation shall be facilitated
936 through timely notification, an inclusive process, and
937 alternative methods for participation for a caregiver who cannot
938 be physically present.

939 2. Develop and make available to the caregiver the
940 information, services, training, and support that the caregiver



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941 needs to improve his or her skills in parenting children who
942 have experienced trauma due to neglect, abuse, or separation
943 from home, to meet these children's special needs and to
944 advocate effectively with child welfare agencies, the courts,
945 schools, and other community and governmental agencies.

946 3. Provide the caregiver with all information related to
947 services and other benefits that are available to the child.

948 (c) Transitions.—

949 1. Once a caregiver accepts the responsibility of caring
950 for a child, the child will be removed from the home of that
951 caregiver only if:

952 a. The caregiver is clearly unable to safely or legally
953 care for the child;

954 b. The child and his or her biological family are
955 reunified;

956 c. The child is being placed in a legally permanent home
957 pursuant to the case plan or a court order; or

958 d. The removal is demonstrably in the child's best
959 interest.

960 2. In the absence of an emergency, if a child leaves the
961 caregiver's home for a reason provided under subparagraph 1.,
962 the transition must be accomplished according to a plan that
963 involves cooperation and sharing of information among all
964 persons involved, respects the child's developmental stage and
965 psychological needs, ensures the child has all of his or her
966 belongings, allows for a gradual transition from the caregiver's
967 home and, if possible, for continued contact with the caregiver
968 after the child leaves.

969 (d) Information sharing.—Whenever a foster home or



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970 residential group home assumes responsibility for the care of a
971 child, the department and any additional providers shall make
972 available to the caregiver as soon as is practicable all
973 relevant information concerning the child. Records and
974 information that are required to be shared with caregivers
975 include, but are not limited to:

976 1. Medical, dental, psychological, psychiatric, and
977 behavioral history, as well as ongoing evaluation or treatment
978 needs;

979 2. School records;

980 3. Copies of his or her birth certificate and, if
981 appropriate, immigration status documents;

982 4. Consents signed by parents;

983 5. Comprehensive behavioral assessments and other social
984 assessments;

985 6. Court orders;

986 7. Visitation and case plans;

987 8. Guardian ad litem reports;

988 9. Staffing forms; and

989 10. Judicial or citizen review panel reports and
990 attachments filed with the court, except confidential medical,
991 psychiatric, and psychological information regarding any party
992 or participant other than the child.

993 (e) Caregivers employed by residential group homes.-All
994 caregivers in residential group homes shall meet the same
995 education, training, and background and other screening
996 requirements as foster parents.

997 (3) REASONABLE AND PRUDENT PARENT STANDARD.-

998 (a) Definitions.-As used in this subsection, the term:



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999 1. "Age-appropriate" means an activity or item that is
1000 generally accepted as suitable for a child of the same
1001 chronological age or level of maturity. Age appropriateness is
1002 based on the development of cognitive, emotional, physical, and
1003 behavioral capacity which is typical for an age or age group.

1004 2. "Caregiver" means a person with whom the child is placed
1005 in out-of-home care, or a designated official for a group care
1006 facility licensed by the department under s. 409.175.

1007 3. "Reasonable and prudent parent" standard means the
1008 standard of care used by a caregiver in determining whether to
1009 allow a child in his or her care to participate in
1010 extracurricular, enrichment, and social activities. This
1011 standard is characterized by careful and thoughtful parental
1012 decisionmaking that is intended to maintain a child's health,
1013 safety, and best interest while encouraging the child's
1014 emotional and developmental growth.

1015 (b) Application of standard of care.-

1016 1. Every child who comes into out-of-home care pursuant to
1017 this chapter is entitled to participate in age-appropriate
1018 extracurricular, enrichment, and social activities.

1019 2. Each caregiver shall use the reasonable and prudent
1020 parent standard in determining whether to give permission for a
1021 child living in out-of-home care to participate in
1022 extracurricular, enrichment, or social activities. When using
1023 the reasonable and prudent parent standard, the caregiver must
1024 consider:

1025 a. The child's age, maturity, and developmental level to
1026 maintain the overall health and safety of the child.

1027 b. The potential risk factors and the appropriateness of



1028 the extracurricular, enrichment, or social activity.

1029 c. The best interest of the child, based on information
1030 known by the caregiver.

1031 d. The importance of encouraging the child's emotional and
1032 developmental growth.

1033 e. The importance of providing the child with the most
1034 family-like living experience possible.

1035 f. The behavioral history of the child and the child's
1036 ability to safely participate in the proposed activity.

1037 (c) Verification of services delivered.—The department and
1038 each community-based care lead agency shall verify that private
1039 agencies providing out-of-home care services to dependent
1040 children have policies in place which are consistent with this
1041 section and that these agencies promote and protect the ability
1042 of dependent children to participate in age-appropriate
1043 extracurricular, enrichment, and social activities.

1044 (d) Limitation of liability.—A caregiver is not liable for
1045 harm caused to a child who participates in an activity approved
1046 by the caregiver, provided that the caregiver has acted in
1047 accordance with the reasonable and prudent parent standard. This
1048 paragraph may not be interpreted as removing or limiting any
1049 existing liability protection afforded by law.

1050 (4) FOSTER PARENT ROOM AND BOARD RATES.—

1051 (a) Effective October 1, 2013, room and board rates paid to
1052 foster parents are as follows:

1053

<u>Monthly Foster</u>	<u>0-5 Years Age</u>	<u>6-12 Years Age</u>	<u>13-21 Years Age</u>
<u>Care Rate</u>			

1054



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\$429

\$440

\$515

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(b) Foster parents shall receive an annual cost of living increase. The department shall calculate the new room and board rate increase equal to the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, not seasonally adjusted, or successor reports, for the preceding December compared to the prior December as initially reported by the United States Department of Labor, Bureau of Labor Statistics. The department shall make available the adjusted room and board rates annually.

(c) The amount of the monthly foster care board rate may be increased upon agreement among the department, the community-based care lead agency, and the foster parent.

(d) Community-based care lead agencies providing care under contract with the department shall pay a supplemental room and board payment to foster care parents for providing independent life skills and normalcy supports to children who are 13 through 17 years of age placed in their care. The supplemental payment shall be paid monthly to the foster care parents on a per-child basis in addition to the current monthly room and board rate payment. The supplemental monthly payment shall be based on 10 percent of the monthly room and board rate for children 13 through 21 years of age as provided under this section and adjusted annually.

(5) RULEMAKING.—The department shall adopt by rule procedures to administer this section.

Section 7. Section 409.1451, Florida Statutes, is amended



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1083 to read:

1084 (Substantial rewording of section. See
1085 s. 409.1451, F.S., for present text).
1086 409.1451 The Road-to-Independence Program.-

1087 (1) LEGISLATIVE FINDINGS AND INTENT.-

1088 (a) The Legislature recognizes that most children and young
1089 adults are resilient and, with adequate support, can expect to
1090 be successful as independent adults. Not unlike many young
1091 adults, some young adults who have lived in foster care need
1092 additional support and resources for a period of time after
1093 reaching 18 years of age.

1094 (b) The Legislature finds that while it is important to
1095 provide young adults who have lived in foster care with
1096 education and independent living skills, there is also a need to
1097 focus more broadly on creating and preserving family
1098 relationships so that young adults have a permanent connection
1099 with at least one committed adult who provides a safe and stable
1100 parenting relationship.

1101 (c) It is the intent of the Legislature that young adults
1102 who choose to participate in the program receive the skills,
1103 education, and support necessary to become self-sufficient and
1104 leave foster care with a lifelong connection to a supportive
1105 adult through the Road-to-Independence Program, either through
1106 postsecondary education services and support, as provided in
1107 subsection (2), or aftercare services.

1108 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.-

1109 (a) A young adult is eligible for services and support
1110 under this subsection if he or she:

1111 1. Was living in licensed care on his or her 18th birthday



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1112 or is currently living in licensed care; or was at least 16
1113 years of age and was adopted from foster care or placed with a
1114 court-approved dependency guardian after spending at least 6
1115 months in licensed care within the 12 months immediately
1116 preceding such placement or adoption;
1117 2. Spent at least 6 months in licensed care before reaching
1118 his or her 18th birthday;
1119 3. Earned a standard high school diploma or its equivalent
1120 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, s. 1003.43,
1121 or s. 1003.435;
1122 4. Has been admitted for enrollment as a full-time student
1123 or its equivalent in an eligible postsecondary educational
1124 institution as provided in s. 1009.533. For purposes of this
1125 section, the term "full-time" means 9 credit hours or the
1126 vocational school equivalent. A student may enroll part-time if
1127 he or she has a recognized disability or is faced with another
1128 challenge or circumstance that would prevent full-time
1129 attendance. A student needing to enroll part-time for any reason
1130 other than having a recognized disability must get approval from
1131 his or her academic advisor;
1132 5. Has reached 18 years of age but is not yet 23 years of
1133 age;
1134 6. Has applied, with assistance from the young adult's
1135 caregiver and the community-based lead agency, for any other
1136 grants and scholarships for which he or she may qualify;
1137 7. Submitted a Free Application for Federal Student Aid
1138 which is complete and error free; and
1139 8. Signed an agreement to allow the department and the
1140 community-based care lead agency access to school records.



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1141 (b) The amount of the financial assistance shall be as
1142 follows:

1143 1. For a young adult who does not remain in foster care and
1144 is attending a postsecondary school as provided in s. 1009.533,
1145 the amount is \$1,256 monthly.

1146 2. For a young adult who remains in foster care, is
1147 attending a postsecondary school, as provided in s. 1009.533,
1148 and continues to reside in a licensed foster home, the amount is
1149 the established room and board rate for foster parents. This
1150 takes the place of the payment provided for in subsection (4).

1151 3. For a young adult who remains in foster care, but
1152 temporarily resides away from a licensed foster home for
1153 purposes of attending a postsecondary school as provided in s.
1154 1009.533, the amount is \$1,256 monthly. This takes the place of
1155 the payment provided for in subsection (4).

1156 4. For a young adult who remains in foster care, is
1157 attending a postsecondary school as provided in s. 1009.533, and
1158 continues to reside in a licensed group home, the amount is
1159 negotiated between the community-based care lead agency and the
1160 licensed group home provider.

1161 5. For a young adult who remains in foster care, but
1162 temporarily resides away from a licensed group home for purposes
1163 of attending a postsecondary school as provided in s. 1009.533,
1164 the amount is \$1,256 monthly. This takes the place of a
1165 negotiated room and board rate.

1166 6. The amount of the award may be disregarded for purposes
1167 of determining the eligibility for, or the amount of, any other
1168 federal or federally supported assistance.

1169 7. A young adult is eligible to receive financial



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1170 assistance during the months when enrolled in a postsecondary
1171 educational institution.

1172 (c) Payment of financial assistance for a young adult who:

1173 1. Has chosen not to remain in foster care and is attending
1174 a postsecondary school as provided in s. 1009.533, shall be made
1175 to the community-based care lead agency in order to secure
1176 housing and utilities, with the balance being paid directly to
1177 the young adult until such time the lead agency and the young
1178 adult determine that the young adult can successfully manage the
1179 full amount of the assistance.

1180 2. Has remained in foster care under s. 39.6251 and who is
1181 attending postsecondary school as provided in s. 1009.533, shall
1182 be made directly to the foster parent or group home provider.

1183 3. Community-based care lead agencies or other contracted
1184 providers are prohibited from charging a fee associated with
1185 administering the Road-to-Independence payments.

1186 (d)1. The department must advertise the availability of the
1187 stipend and must provide notification of the criteria and
1188 application procedures for the stipend to children and young
1189 adults leaving, or who were formerly in, foster care;
1190 caregivers; case managers; guidance and family services
1191 counselors; principals or other relevant school administrators;
1192 and guardians ad litem.

1193 2. If the award recipient transfers from one eligible
1194 institution to another and continues to meet eligibility
1195 requirements, the award shall be transferred with the recipient.

1196 3. The department, or an agency under contract with the
1197 department, shall evaluate each Road-to-Independence award for
1198 renewal eligibility on an annual basis. In order to be eligible



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1199 for a renewal award for the subsequent year, the young adult
1200 must:

1201 a. Be enrolled for or have completed the number of hours,
1202 or the equivalent, to be considered a full-time student under
1203 subparagraph (a)4., unless the young adult qualifies for an
1204 exception under subparagraph (a)4.

1205 b. Maintain appropriate progress as determined by the
1206 educational institution, except that if the young adult's
1207 progress is insufficient to renew the award at any time during
1208 the eligibility period, the young adult may restore eligibility
1209 by improving his or her progress to the required level.

1210 4. Funds may be terminated during the interim between an
1211 award and the evaluation for a renewal award if the department,
1212 or an agency under contract with the department, determines that
1213 the award recipient is no longer enrolled in an educational
1214 institution as described in subparagraph (a)4. or is no longer a
1215 resident of this state.

1216 5. The department, or an agency under contract with the
1217 department, shall notify a recipient who is terminated and
1218 inform the recipient of his or her right to appeal.

1219 6. An award recipient who does not qualify for a renewal
1220 award or who chooses not to renew the award may apply for
1221 reinstatement. An application for reinstatement must be made
1222 before the young adult reaches 23 years of age. In order to be
1223 eligible for reinstatement, the young adult must meet the
1224 eligibility criteria and the criteria for award renewal for the
1225 program.

1226 (3) AFTERCARE SERVICES.—

1227 (a) Aftercare services are available to young adults who



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1228 have chosen not to remain in foster care after reaching 18 years
1229 of age and who are not receiving financial assistance under
1230 subsection (2) to pursue postsecondary education. These
1231 aftercare services include, but are not limited to, the
1232 following:

- 1233 1. Mentoring and tutoring.
- 1234 2. Mental health services and substance abuse counseling.
- 1235 3. Life skills classes, including credit management and
1236 preventive health activities.
- 1237 4. Parenting classes.
- 1238 5. Job and career skills training.
- 1239 6. Counselor consultations.
- 1240 7. Temporary financial assistance for emergency situations.
- 1241 8. Financial literacy skills training.

1242
1243 The specific services to be provided under this paragraph shall
1244 be determined by an assessment of the young adult and may be
1245 provided by the community-based care provider or through
1246 referrals in the community.

1247 (b) Temporary assistance provided to prevent homelessness
1248 shall be provided as expeditiously as possible and within the
1249 limitations defined by the department.

1250 (c) A young adult who has reached 18 years of age but is
1251 not yet 23 years of age who leaves foster care at 18 years of
1252 age may request and is eligible for such services before
1253 reaching 23 years of age.

1254 (4) APPEALS PROCESS.—

1255 (a) The department shall have a procedure by which a young
1256 adult may appeal the department's refusal to provide Road-to-



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1257 Independence Program services or support, or the termination of
1258 such services or support if funds for such services or support
1259 are available.

1260 (b) The appeal procedure must be readily accessible to
1261 young adults, must provide for timely decisions, and must
1262 provide for an appeal to the department. The decision of the
1263 department constitutes final agency action and is reviewable by
1264 the court as provided in s. 120.68.

1265 (5) PORTABILITY.—The services provided under this section
1266 are portable across county lines and between lead agencies.

1267 (a) The service needs that are identified in the original
1268 or updated transition plan, pursuant to s. 39.6035, shall be
1269 provided by the lead agency where the young adult is currently
1270 residing but shall be funded by the lead agency who initiated
1271 the transition plan.

1272 (b) The lead agency with primary case management
1273 responsibilities shall provide maintenance payments, case
1274 planning, including a written description of all services that
1275 will assist a child 16 years of age or older in preparing for
1276 the transition from care to independence, as well as regular
1277 case reviews that conform with all federal scheduling and
1278 content requirements, for all children in foster care who are
1279 placed or visiting out-of-state.

1280 (6) ACCOUNTABILITY.—The department shall develop outcome
1281 measures for the program and other performance measures in order
1282 to maintain oversight of the program. No later than January 31
1283 of each year, the department shall prepare a report on the
1284 outcome measures and the department's oversight activities and
1285 submit the report to the President of the Senate, the Speaker of



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1286 the House of Representatives, and the committees with
1287 jurisdiction over issues relating to children and families in
1288 the Senate and the House of Representatives. The report must
1289 include:

1290 (a) An analysis of performance on the outcome measures
1291 developed under this section reported for each community-based
1292 care lead agency and compared with the performance of the
1293 department on the same measures.

1294 (b) A description of the department's oversight of the
1295 program, including, by lead agency, any programmatic or fiscal
1296 deficiencies found, corrective actions required, and current
1297 status of compliance.

1298 (c) Any rules adopted or proposed under this section since
1299 the last report. For the purposes of the first report, any rules
1300 adopted or proposed under this section must be included.

1301 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1302 secretary shall establish the Independent Living Services
1303 Advisory Council for the purpose of reviewing and making
1304 recommendations concerning the implementation and operation of
1305 the provisions of s. 39.6015 and the Road-to-Independence
1306 Program. The advisory council shall function as specified in
1307 this subsection until the Legislature determines that the
1308 advisory council can no longer provide a valuable contribution
1309 to the department's efforts to achieve the goals of the services
1310 designed to enable a young adult to live independently.

1311 (a) The advisory council shall assess the implementation
1312 and operation of the Road-to-Independence Program and advise the
1313 department on actions that would improve the ability of these
1314 Road-to-Independence Program services to meet the established



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1315 goals. The advisory council shall keep the department informed
1316 of problems being experienced with the services, barriers to the
1317 effective and efficient integration of services and support
1318 across systems, and successes that the system of services has
1319 achieved. The department shall consider, but is not required to
1320 implement, the recommendations of the advisory council.

1321 (b) The advisory council shall report to the secretary on
1322 the status of the implementation of the Road-To-Independence
1323 Program, efforts to publicize the availability of the Road-to-
1324 Independence Program, the success of the services, problems
1325 identified, recommendations for department or legislative
1326 action, and the department's implementation of the
1327 recommendations contained in the Independent Living Services
1328 Integration Workgroup Report submitted to the appropriate
1329 substantive committees of the Legislature by December 31, 2013.
1330 The department shall submit a report by December 31 of each year
1331 to the Governor, the President of the Senate, and the Speaker of
1332 the House of Representatives which includes a summary of the
1333 factors reported on by the council and identifies the
1334 recommendations of the advisory council and either describes the
1335 department's actions to implement the recommendations or
1336 provides the department's rationale for not implementing the
1337 recommendations.

1338 (c) Members of the advisory council shall be appointed by
1339 the secretary of the department. The membership of the advisory
1340 council must include, at a minimum, representatives from the
1341 headquarters and regional offices of the Department of Children
1342 and Families, community-based care lead agencies, the Department
1343 of Juvenile Justice, the Department of Economic Opportunity, the



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1344 Department of Education, the Agency for Health Care
1345 Administration, the State Youth Advisory Board, Workforce
1346 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
1347 parents, recipients of services and funding through the Road-to-
1348 Independence Program, and advocates for children in care. The
1349 secretary shall determine the length of the term to be served by
1350 each member appointed to the advisory council, which may not
1351 exceed 4 years.

1352 (d) The department shall provide administrative support to
1353 the Independent Living Services Advisory Council to accomplish
1354 its assigned tasks. The advisory council shall be afforded
1355 access to all appropriate data from the department, each
1356 community-based care lead agency, and other relevant agencies in
1357 order to accomplish the tasks set forth in this section. The
1358 data collected may not include any information that would
1359 identify a specific child or young adult.

1360 (e) The advisory council report required under paragraph
1361 (b), must include an analysis of the system of independent
1362 living transition services for young adults who reach 18 years
1363 of age while in foster care before completing high school or its
1364 equivalent and recommendations for department or legislative
1365 action. The council shall assess and report on the most
1366 effective method of assisting these young adults to complete
1367 high school or its equivalent by examining the practices of
1368 other states.

1369 (8) PERSONAL PROPERTY.—Property acquired on behalf of a
1370 young adult in this program shall become the personal property
1371 of the young adult and is not subject to the requirements of
1372 chapter 273 relating to state-owned tangible personal property.



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1373 Such property continues to be subject to applicable federal
1374 laws.

1375 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—

1376 The department or community-based care lead agency shall
1377 document that eligible young adults are enrolled in Medicaid
1378 under s. 409.903(4).

1379 (10) RULEMAKING.—The department shall adopt rules to
1380 administer this section.

1381 Section 8. Paragraph (a) of subsection (3) of section
1382 409.175, Florida Statutes, is amended to read:

1383 409.175 Licensure of family foster homes, residential
1384 child-caring agencies, and child-placing agencies; public
1385 records exemption.—

1386 (3) (a) The total number of children placed in each family
1387 foster home shall be based on the recommendation of the
1388 department, or the community-based care lead agency where one is
1389 providing foster care and related services, based on the needs
1390 of each child in care, the ability of the foster family to meet
1391 the individual needs of each child, including any adoptive or
1392 biological children or young adults remaining in foster care
1393 living in the home, the amount of safe physical plant space, the
1394 ratio of active and appropriate adult supervision, and the
1395 background, experience, and skill of the family foster parents.

1396 Section 9. Subsection (4) of section 409.903, Florida
1397 Statutes, is amended to read:

1398 409.903 Mandatory payments for eligible persons.—The agency
1399 shall make payments for medical assistance and related services
1400 on behalf of the following persons who the department, or the
1401 Social Security Administration by contract with the Department



1402 of Children and Family Services, determines to be eligible,
1403 subject to the income, assets, and categorical eligibility tests
1404 set forth in federal and state law. Payment on behalf of these
1405 Medicaid eligible persons is subject to the availability of
1406 moneys and any limitations established by the General
1407 Appropriations Act or chapter 216.

1408 (4) A child who is eligible under Title IV-E of the Social
1409 Security Act for subsidized board payments, foster care, or
1410 adoption subsidies, and a child for whom the state has assumed
1411 temporary or permanent responsibility and who does not qualify
1412 for Title IV-E assistance but is in foster care, shelter or
1413 emergency shelter care, or subsidized adoption. This category
1414 includes a young adult who is eligible to receive services under
1415 s. 409.1451(5), until the young adult reaches 21 years of age,
1416 without regard to any income, resource, or categorical
1417 eligibility test that is otherwise required. This category also
1418 includes a person who as a child was eligible under Title IV-E
1419 of the Social Security Act for foster care or the state-provided
1420 foster care and who is a participant in the Road-to-Independence
1421 Program.

1422 Section 10. The Department of Children and Families shall
1423 work in collaboration with the Board of Governors, the Florida
1424 College System, and the Department of Education to help address
1425 the need for a comprehensive support structure in the academic
1426 arena to assist children and young adults who have been or
1427 continue to remain in the foster care system in making the
1428 transition from a structured care system into an independent
1429 living setting. Using existing independent living services
1430 funding, the Department of Children and Families is authorized



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1431 to contract with the State University System of Florida and the
1432 Florida College System to provide postsecondary educational
1433 campus coaching positions that will be integrated into state
1434 colleges' and university institutions' general support services
1435 structure to provide current and former foster care children and
1436 young adults with dedicated, on-campus support. These campus
1437 coaching positions shall be education employees.

1438 Section 11. Effective October 1, 2013, a child or young
1439 adult who is a participant in the Road-to-Independence Program
1440 may continue in the program as it exists through December 31,
1441 2013. Effective January 1, 2014, a child or young adult who is a
1442 participant in the program shall transfer to the program
1443 services provided in this act and his or her monthly stipend may
1444 not be reduced, the method of payment of the monthly stipend may
1445 not be changed, and the young adult may not be required to
1446 change his or her living arrangement. These conditions shall
1447 remain in effect for a child or young adult until he or she
1448 ceases to meet the eligibility requirements under which he or
1449 she entered the Road-to-Independence Program. A child or young
1450 adult applying or reapplying for the Road-to-Independence
1451 Program on or after October 1, 2013, may apply for program
1452 services only as provided in this act.

1453 Section 12. The Department of Children and Families in
1454 collaboration with the Florida Foster and Adoptive Parent
1455 Association and the Quality Parenting Initiative will design and
1456 disseminate training for caregivers on skill building on the
1457 life skills necessary for youth in the foster care system.

1458 Section 13. This act shall take effect January 1, 2014.
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1460 ===== T I T L E A M E N D M E N T =====

1461 And the title is amended as follows:

1462 Delete everything before the enacting clause

1463 and insert:

1464 A bill to be entitled

1465 An act relating to independent living; amending s.
1466 39.013, F.S.; providing that when the court obtains
1467 jurisdiction over a child who has been found to be
1468 dependent, the court retains jurisdiction until the
1469 child reaches 21 years of age; providing exceptions;
1470 amending s. 39.6013, F.S.; conforming a cross
1471 reference; creating s. 39.6035, F.S.; requiring the
1472 Department of Children and Families, the community-
1473 based care provider, and others to assist a child in
1474 developing a transition plan after the child reaches
1475 17 years of age and requiring a meeting to develop the
1476 plan; specifying requirements and procedures for the
1477 transition plan; requiring periodic review of the
1478 transition plan; requiring the court to approve the
1479 transition plan before the child leaves foster care
1480 and the court terminates jurisdiction; creating s.
1481 39.6251, F.S.; providing definitions; providing that a
1482 young adult may remain in foster care under certain
1483 circumstances after attaining 18 years of age;
1484 specifying criteria for extended foster care;
1485 providing that the permanency goal for a young adult
1486 who chooses to remain in care is transition from care
1487 to independent living; specifying dates for
1488 eligibility for a young adult to remain in extended



1489 foster care; providing for supervised living
1490 arrangements in extended foster care; authorizing a
1491 young adult to return to foster care under certain
1492 circumstances; specifying services that must be
1493 provided to the young adult; directing the court to
1494 retain jurisdiction and hold review hearings; amending
1495 s. 39.701, F.S.; revising judicial review of foster
1496 care cases; making technical changes; providing
1497 criteria for review hearings for children younger than
1498 18 years of age; providing criteria for review
1499 hearings for children 17 years of age; requiring the
1500 department to verify that the child has certain
1501 documents; requiring the department to update the case
1502 plan; providing for review hearings for young adults
1503 in foster care; amending s. 409.145, F.S.; requiring
1504 the department to develop and implement a system of
1505 care for children in foster care; specifying the goals
1506 of the foster care system; requiring the department to
1507 assist foster care caregivers to achieve quality
1508 parenting; specifying the roles and responsibilities
1509 of caregivers, the department, and others; providing
1510 for transition from a caregiver; requiring information
1511 sharing; providing for the adoption and use of a
1512 "reasonable and prudent parent" standard; defining
1513 terms; providing for the application for the standard
1514 of care; providing for limiting liability of
1515 caregivers; specifying foster care room and board
1516 rates; authorizing community-based care service
1517 providers to pay a supplemental monthly room and board



1518 payment to foster parents for providing certain
1519 services; directing the department to adopt rules;
1520 deleting obsolete provisions; amending s. 409.1451,
1521 F.S.; providing for the Road-to-Independence program;
1522 providing legislative findings and intent; providing
1523 for postsecondary services and supports; specifying
1524 aftercare services; providing for appeals of a
1525 determination of eligibility; providing for
1526 portability of services across county lines and
1527 between lead agencies; providing for accountability;
1528 creating the Independent Living Services Advisory
1529 Council; providing for membership and specifying the
1530 duties and functions of the council; requiring reports
1531 and recommendations; directing the department to adopt
1532 rules; amending s. 409.175; allowing for young adults
1533 remaining in care to be considered in total number of
1534 children placed in a foster home; amending s. 409.903,
1535 F.S.; conforming a cross-reference; directing the
1536 Department of Children and Families to work in
1537 collaboration with the Board of Governors, the Florida
1538 College System, and the Department of Education to
1539 help address the need for a comprehensive support
1540 structure in the academic arena to assist young adults
1541 who have been or remain in the foster care system;
1542 providing for a transfer of services; directing the
1543 Department of Children and Families in collaboration
1544 with the Florida Foster and Adoptive Parent
1545 Association and the Quality Parenting Initiative to
1546 develop design training for caregivers; providing an



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effective date.